IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 25TH OCTOBER 2007 / 3RD KARTHIKA 1929

RPFC.No. 120 of 2003()

MC.140/2003 of FAMILY COURT, MANJERI
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REVISION PETITIONER/RESPONDENT:

SURESH, S/O. SEKHARAN,
PAMPADI VALAPPIL HOUSE, EDAPPAL, PERUMPARAMBU,
MALAPPURAM DISTRICT.

BY ADV. SRI.BABU S. NAIR
SRI.JIJO PAUL

RESPONDENTS: PETITIONERS:
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1. RETHI, D/O. VASU,
VALPARAMBIL HOUSE, PATTUPARAMBU, THRIKKANAPURAM,
THAVANOOR, MALAPPURAM DISTRICT.

2. SILPA (MINOR),
REPRESENTED BY THE FIRST RESPONDENT,
MOTHER, GUARDIAN.

BY ADV. SMT.RETHY (PARTY)

THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY HEARD ON 25/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

R.P.F.C.NO. 120 OF 2003

DATED THIS THE 25th October 2007

ORDER

The revision petitioner is the respondent in M.C.No. 140/2003 initiated by the first respondent wife for maintenance of herself and the minor child. The petitioner has sought for setting aside the order of the court below. The same has been passed ex parte. According to him, he did not receive notice. It is submitted that he had entered appearance and attended the conciliation proceedings and that the next posting date was not intimated and hence he happened to be absent. The court below ordered maintenance at the rate of Rs.500/- each per month to the petitioners. Although notice was served, there is no appearance on the side of first respondent/wife.

In the circumstances, the order of the court below is set aside on condition that the petitioner deposits the entire arrears due, if any, within one month. The court below shall issue notice to the first respondent/petitioner in M.C. and dispose of the matter on merits at the earliest. The matter would stand posted before the court below on 28-11-2007.

ks. **K.R.UDAYABHANU, JUDGE**

ks.